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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,642	01/14/2004	Yoshiharu Tajima	7052072001	3943

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EXAMINER	
NGUYEN, TUAN HOANG	
ART UNIT	**PAPER NUMBER**
2618	

MAIL DATE	DELIVERY MODE
03/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,642	TAJIMA, YOSHIHARU	
	Examiner	Art Unit	
	TUAN H. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *17-19* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/06/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (U.S PAT. 6,661,999 hereinafter “Johnson”) in view of Matsugatani et al. (U.S PUB. 2003/0112803 hereinafter, “Matsugatani”).

Consider claim 1, Johnson teaches a radio base station apparatus comprising: a receiving section for receiving a packet via a radio transmission path from a terminal (col. 6 lines 23-44); a judging section for judging the packet received by the receiving section, whether or not an address designating a transmitting end of the packet is in a predetermined range of addresses (col. 5 line 61 through col. 6 line 10).

Johnson does not explicitly show that a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true, and forwarding without updating the address of the packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal.

In the same field of endeavor, Matsugatani teaches a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true (page 13 [0188]), and forwarding without updating the address of the packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is false, the local station being a radio base station communicating with the terminal (page 1 [0011-0012]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, a network interfacing section for routing the packet received by the receiving when a judgment result of the judging section is true, and forwarding without updating the address of the packet received by the receiving section to another radio base station adjacent to a local station when the judgment result is

false, the local station being a radio base station communicating with the terminal, as taught by Matsugatani, in order to provide the data-communication processing can use one or more terminal specific addresses, which is constant, even if the segment is switched from one to the other.

Consider claim 2, Johnson further teaches network interfacing section forwards a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (col. 5 line 61 through col. 6 line 10 and col. 6 lines 23-44).

Consider claim 14, Johnson further teaches the radio base station further comprising a monitoring section for gleaning transmission performance of a packet that arrives at the radio base station forming the adjacent wireless zone from a destination of the received packet, wherein network interfacing section forwards the arriving packet only to a radio base station at which the transmission performance gleaned by monitoring section exceeds a predetermined threshold value (col. 5 line 61 through col. 6 line 10 and col. 6 lines 23-44).

4. Claims 3-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Matsugatani and further in view of Miyamoto et al. (U.S PUB. 2002/0002063 hereinafter, “Miyamoto”).

Consider claims 3 and 4, Johnson and Matsugatani, in combination, fails to teach network interfacing section forwards the packet via a link when the judgment result is false, the link being formed between the local station and another radio base station adjacent to the local station.

However, Miyamoto teaches network interfacing section forwards the packet via a link when the judgment result is false, the link being formed between the local station and another radio base station adjacent to the local station (page 9 [0184] and page 18 [0387]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Miyamoto into view of Johnson and Matsugatani, in order to provide a radio base station equipment, radio terminal equipment and a mobile communication system each being capable of setting transmitting power of a radio channel allotted anew to a new visit-zone to an appropriate value without changing a basic hardware construction.

Consider claim 5, Miyamoto further teaches network interfacing section forwards the packet via a path when the judgment result is false, the path being formed between the radio base station and the radio base station forming the adjacent wireless zone (page 9 [0184] and page 18 [0387]).

Consider claim 6, Miyamoto further teaches network interfacing section forwards the packet via a path when the judgment result is false, the path being formed between

the radio base station and the radio base station forming the adjacent wireless zone (page 9 [0184]).

Consider claim 7, Miyamoto further teaches link is formed for each group of radio base stations individually forming adjacent wireless zones (page 1 [0002]).

Consider claim 8, Miyamoto further teaches link is formed for each group of radio base stations individually forming adjacent wireless zones (page 1 [0002]). Consider claim 9, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and to the adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 9, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and to the adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 10, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 11, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 12, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a path to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 13, Miyamoto further teaches network interfacing section cooperates with a base station controlling station for executing channel control relating to the wireless zone formed by the local station and its adjacent wireless zone, to determine a link to be used for forwarding a packet which has arrived from a destination of the received packet, to the radio base station forming the adjacent wireless zone (page 11 [0234]).

Consider claim 15, Miyamoto further teaches the radio base station further comprising: a visiting base station determining section for determining one of the local station and the radio base station forming the adjacent wireless zone as a specific radio base station which is the one receiving a packet latest and/or receiving a packet at a highest level (page 9 [0185]); and a downstream packet transmitting section for judging whether or not the specific radio base station is the local station, and transmitting a packet transmitted from a destination of the received packet to the radio transmission path when the judgment result is true, and to the specific radio base station when the judgment result is false (page 9 [0184] and page 18 [0387]).

Consider claim 16, Miyamoto further teaches the radio base station further comprising: a downstream packet distributing section for distributing a packet transmitted from a destination of the received packet to the radio base station forming adjacent wireless zone (page 3 [0048]); and a downstream packet transmitting section for comparing the local station to the radio base station forming the adjacent wireless

zone to judge whether or not the local station receives a packet latest at its receiving section and/or receives a packet at a highest level (page 9 [0185]), and transmitting the packet transmitted from the destination of the received packet to the radio transmission path only when the judgment result is true (page 9 [0184] and page 18 [0387]).

Conclusion

5. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Egusa the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618